

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

SCOOTER LYNN ROBINSON

PLAINTIFF

VS.

CIVIL ACTION NO. 3:15CV263TSL-RHW

NORRIS HOGANS, ET AL.

DEFENDANTS

ORDER

This cause is before the court on the report and recommendation of Magistrate Judge Robert H. Walker entered on November 13, 2017, recommending that the motions of defendants Vernell Thomas, Norris Hogans, Ray Rice, Christopher Dykes, Richard Ricks, Marylin Braxton, Nakia Anderson, Janie Birdtail, Amy Hodgson, Joshua Roberts, Simone Jones, Rosemary Cotton, Metina Steele, Mary Dempsey, Regina Bender, Matthew Naidow, and Quincey Dukes for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure be granted, while plaintiff's motions for summary judgment be denied. Plaintiff has filed an objection. Having reviewed the report and recommendation and plaintiff's objection, the court concludes that the objection¹ is overruled

¹ Although it is not altogether clear, by his objection, plaintiff may be attempting to add a previously unasserted claim of retaliation arising out of the June 17, 2014 Law Library Altercation. Given, however, that plaintiff does not dispute his participation in a fight with another inmate led to his receiving 15 days of administrative segregation, to the extent that he seeks leave to amend his complaint to add such a claim, it is denied as futile. See Cross v. Dretke, 241 F. App'x 203, 204 (5th Cir. 2007) (setting forth, inter alia, elements of valid claim for retaliation under § 1983, including that prisoner "show causation, i.e., that, but for the defendants' retaliatory motive, the

and hereby adopts, as its own opinion, the magistrate judge's report and recommendation.

Based on the foregoing, it is ordered that the report and recommendation of United States Magistrate Robbert H. Walker entered on November 13, 2017, be, and the same is hereby, adopted as the finding of this court. Accordingly, it is further ordered that defendants' motions for summary judgment are granted and that plaintiff's motions for summary judgment are denied.

A separate judgment will be entered in accordance with Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 12th day of December, 2017.

/s/ Tom S. Lee
UNITED STATES DISTRICT JUDGE

complained of incident(s) would not have occurred.")